

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO.: 10/583,499

ART UNIT: 3643

FILED: June 15, 2007

EXAMINER: Hayes, K. C.

TITLE: METHOD AND DEVICE FOR AUTOMATICALLY DETECTING MATING OF ANIMALS

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1- 20 have been canceled and new Claims 21 - 34 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format and also for the purpose of more clearly distinguishing the present invention from the prior art.

In the Office Action, Claims 1, 2, 4 - 7 and 13 - 16 were rejected under 35 U.S.C. § 102(b) as anticipated by the McAlister patent. Claims 9 - 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the McAlister patent in view of the Starzl patent. Claims 1 - 16 were also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1 - 16 were also rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Importantly, it was indicated that Claims 3, 8 and 12 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs.

As an overview to the present reply, Applicant has revised previous Claims 1 - 20 in the form of new Claims 21 - 34. New Claims 21 - 34 express the original limitations, but express such

limitations in a more proper U.S. format , including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein. In particular, new independent Claim 21 incorporates the limitations of previous independent Claim 1 and the limitations of dependent Claim 2. As such, the passive electronic tag is now identified as "suitable for placement within an organ of the female animal". Dependent Claim 22 corresponds to the limitations of previous dependent Claim 3. Dependent Claims 23 - 34 correspond, respectively, to the limitations of previous dependent Claims 5 - 16.

Specifically, with respect to the lack of enablement, Applicant respectfully contends that the "means for identifying" was described specifically in the specification in paragraphs [0061] and [0075] - [0077]. The "means for writing", in Claim 6, was described in the original specification in paragraphs [0077], [0106], [0095] and [0129]. The "means for excluding" was described in the original specification in paragraph [0081]. The "means for transmitting" was described in the original specification in paragraphs [0079] and [0183]. The "means for processing identifications" was recited in the original specification in [0084] and [0189]. As such, Applicant respectfully contends that there is support in the specification for each of these claim limitations.

Relative to the prior art rejections, it is now noted that the apparatus includes a "passive electronic tag". Such "passive electronic tags" are recognized as being unpowered. Typically, they would be activated by a magnetic field from the detector. In the present invention, the female animals are equipped with a passive electronic tag that does not need its own power source and does not generate the time-of-day signals. Only the detecting animal (i.e. the male animal) carries the "means for detecting" which serves to activate the passive electronic tag. As such, the "means for detecting" receives the identification number. In contrast, in the Mc Alister patent, the female

animals do not carry a "passive electronic tag" but carry a generator that permanently emits signals that are received by the male at all times of day. There is a need for power on both on the male animal and the female animal. As such, the prior art McAlister patent does not anticipate the present invention because the McAlister patent does not show "said passive electronic tag being activated by said means for detecting" and does not show the "passive" electronic tag.

Relative to the prior art combination, Applicant respectfully contends that the subject matter of Claims 9 - 11 are non-obvious with respect to the combination of the McAlister patent in view of the Starzl patent. In the present invention, as defined by independent Claim 21, the male animal carries a "means for detecting" in the form of a reader that stimulates the passive electronic tag so as to receive the identification number of the mounted animal. In the McAlister patent, it is clear that the generator on the generator on the female animal permanently emits a signal that is received by the male at any time of the day. In the present invention, the male animal does not need to permanently receive the signal from the female animal since the reader is only triggered by detecting the passive tag during the attempt at mating. In the McAlister patent, there is a need for a power source. This power source must be carried by both animals. In the present invention, only the detecting animal (i.e., the male animal) carries a generator. As a consequence, any female of the herd can be potentially detected. In contrast, in the McAlister patent, there is a need to be sure that all of the generators on the female animals in the herd have enough energy to be detected by the detecting animal.

The key to the present invention is the use of RFID technology. There is no real-time clock signal in the generators placed in the organ of the female animal. As such, there is no need for including means for producing power. Additionally, in the present invention, the reading of the

female identification number is not terminated by the dismounting of the male, such as required in the McAlister patent. In the present invention, there is no conditionality between the reader and the received signals. The step of reading last a fixed duration after the start of the mounting. In the present invention, the male sensor is interrupted during non-mounting time so as to save energy. There is nothing in the Starzl patent that would suggest or show such an element. As such, Applicant respectfully contends that dependent Claims 27 - 29 (reflecting the limitations of dependent Claims 9 - 11) are non-obvious with respect to the prior art combination.

Based upon the foregoing analysis, Applicant contends that independent Claim 21 is now in proper condition for allowance. Additionally, those claims which are dependent upon this independent claim should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

December 23, 2009
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